HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.15230 OF 2007

Between:

K. Shankar Reddy ...Petitioner

AND

The State of Andhra Pradesh, represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad and others. ...Respondents

:: O R D E R ::

Counsel for the petitioner : Sri S. Ramachandra Rao, Senior Advocate, assisted by Sri B. Srinivas.

Counsel for respondent Nos.1 to 4 : Government Pleader for Revenue

19th July, 2007

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Per G.S.SINGHVI, C.J.

This petition filed by Sri K. Shankar Reddy, Ex-Chairperson of Tirupati Municipality in the name of public interest litigation for issue of a direction to the official respondents not to evict 2718 beneficiaries from their patta lands granted by the State Government does not deserve to be entertained at this stage because the petitioner has not placed before the Court any tangible evidence to show that any public authority, or for that reason respondent Nos.1 to 5 are forcibly evicting the persons who were allotted small parts of land measuring 0.02 cents each in the year 2004.

Notwithstanding the above, we asked the learned Government Pleader for Revenue whether respondent Nos.1 to 5 are evicting to those who were allotted the small parts of land. In reply, the learned Government Pleader made it clear that no one will be evicted from the patta land except after following the procedure established by law.

In our opinion, the statement made by the learned Government Pleader tantamounts to an undertaking on behalf of respondent Nos.1 to 4 that none of the persons to whom patta was granted in the year 2004 will be evicted without following due process of law. Therefore, we do not find any reason to issue direction in terms of the prayer made.

With the above observation, the writ petition is disposed of. Needless to say that if anyone of 2718 beneficiaries is forcibly evicted from the patta land, then he will be free to avail appropriate legal remedy including the one by filing writ petition under Article 226 of the Constitution of India.

Before parting with the case, we deem it proper to observe that

ours is a country governed by written Constitution and the courts are entitled to presume that all public authorities act in accordance with law. Of course, this presumption is rebuttable and can be controverted by the citizen by adducing evidence before the court to show that the particular public authority has transgressed the limits of his authority or acted in violation of the constitutional or legal provisions.

As a sequel to disposal of the writ petition, WPMP.No.19214 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, C.J.

19th July, 2007.

C.V.NAGARJUNA REDDY, J

Note: The Court Officer is directed to give attested copies of this order to the learned counsel for the petitioner and the learned Government Pleader for Revenue.
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